

(a) PLAINTIFFS		DEFENDANTS	
Plubell, Mary		Merck & Co., Inc.	
(b) County of Residence of First Listed Plaintiff	Jackson County, MO	County of Residence of First Listed Defendant	Hunterdon County, NJ
(c) Attorney's (Firm Name, Address, and Telephone Number)		Attorneys (If Known)	
See Attachment		See Attachment	

(NOTE: Do not include cases that only allege that the State of Missouri or any of its agencies have acted unconstitutionally or petitions or complaints filed by persons confined in federal, state, county or municipal penal institutions, jail or mental institutions.

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

1	U.S. Government Plaintiff	<input type="checkbox"/> 3	Federal Question (U.S. Government Not a Party)	(For Diversity Cases Only)	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4
2	U.S. Government Defendant	<input checked="" type="checkbox"/> 4	Diversity (Indicate Citizenship of Parties in Item III)	Citizen of This State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
				Citizen of Another State	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
110 Insurance		<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment			
120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury -	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust				
130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input checked="" type="checkbox"/> 365 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 Banks and Banking				
140 Negotiable Instrument						<input type="checkbox"/> 450 Commerce			
150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 460 Deportation				
151 Medicare Act	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations				
152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 340 Marine	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 480 Consumer Credit				
	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 490 Cable/Sat TV				
153 Recovery of Overpayment of Veteran's Benefits		<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 810 Selective Service				
160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 850 Securities/Commodities/Exchange				
190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410				
195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions				
196 Franchise			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts				
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act				
210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters				
220 Foreclosure	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 894 Energy Allocation Act				
230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<b>Habeas Corpus:</b>		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act				
240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 530 General		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fe				
245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty			<input type="checkbox"/> Under Equal Access to Justice				
290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State Statutes				
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights							
		<input type="checkbox"/> 555 Prison Condition							

(Place an "X" in One Box Only)

1	Original Proceeding	<input checked="" type="checkbox"/>	2	Removed from State Court	<input type="checkbox"/>	3	Remanded from Appellate Court	<input type="checkbox"/>	4	Reinstated or Reopened	<input type="checkbox"/>	5	Transferred from another district (specify)	<input type="checkbox"/>	6	Multidistrict Litigation	<input type="checkbox"/>	7	Judge from Magistrate Judgment	<input type="checkbox"/>
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If this is a removal from state court list the county Jackson County, Missouri and the case number 04-CV235817

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332

Brief description of cause:

Missouri Merchandising Practice Act action for alleged economic damages from the purchase of the prescription medicine VIOXX®.

**7/II. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

## DEMAND \$

In excess of \$5 million	100%
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CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**7/III. RELATED CASE(S) IF ANY (See instructions): JUDGE**

DOCKET NUMBER

DATE 9-12-05

**SIGNATURE OF ATTORNEY OF RECORD**

**IMPORTANT - The submission of this Civil Cover Sheet does not constitute the filing of your complaint. You MUST electronically file your complaint upon notification from the Clerk's Office.**

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